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| EXAMINER |
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| LU, JIPING |

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* MICHAEL FIELD and PAUL P. MCCABE

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Appeal 2015-002990
Application 13/403,884[1]
Technology Center 3700

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Before BIBHU R. MOHANTY, KENNETH G. SCHOPFER, and ROBERT J. SILVERMAN, *Administrative Patent Judges*.

SILVERMAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's decision rejecting claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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[1] The Appellants identify The Raymond Corporation as the real party in interest. Appeal Br. 1.

ILLUSTRATIVE CLAIM

1. A vehicle comprising:

a vehicle frame;

an optical device mounted on said frame and including a lens having an exterior surface exposed to ambient air surrounding said vehicle;

a first temperature sensor sensing air temperature of said ambient air surrounding the vehicle;

a second temperature sensor sensing a temperature of said lens;

a humidity sensor sensing moisture content of air proximal said lens; and

an exhaust directing a gas at said lens exterior surface in response to said ambient air temperature sensed by said first temperature sensor, said temperature of said lens sensed by said second temperature sensor, and said moisture content sensed by said humidity sensor.

REJECTIONS

I. Claims 1–6, 8–16, and 18–20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Campbell et al. (US 6,170,955 B1, iss. Jan. 9, 2001) ("Campbell") and Nakajima (US 2010/0163220 Al, pub. July 1, 2010).

II. Claims 7 and 17 are rejected under 35 U.S.C. § 103(a) as unpatentable over Campbell, Nakajima, and Perazzo (US 2009/0260795 A1, pub. Oct. 22, 2009).

FINDINGS OF FACT

The findings of fact relied upon, which are supported by a preponderance of the evidence, appear in the following Analysis.

ANALYSIS

Independent claims 1 and 11 are argued as a group. Appeal Br. 4–6. Claim 1 is selected for analysis herein. *See* 37 C.F.R. § 41.37(c)(1)(iv).

The Appellants argue that claim 1 was rejected erroneously, because the combined teachings of Campbell and Nakajima fail to teach or suggest the recited features concerning "ambient air surrounding said vehicle," because the references relate to an optical device within the interior of a vehicle (Campbell) and the interior surface of a windshield (Nakajima). Appeal Br. 4–6.

According to the Examiner:

> [B]y opening vehicle windows, air circulates between inside and outside of the vehicle. The vehicle is surrounded by both inside and outside air. The air in the interior of the vehicle is the same air surround[ing] the exterior of the vehicle when window is open. Therefore, the exterior surface of the optical device lens will be exposed to ambient air surrounding the vehicle because the ambient air will be circulated around the vehicle.

Answer 7.

Even taking the cited references to include the argued limitations, here the Examiner's analysis, however, lacks articulated reasoning with rational underpinnings without impermissible hindsight. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (quoting with approval *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). Here, the reasons for the cited combination of references set forth at pages 4 and 5 of the Final

Action in order to meet the limitations of the claims lacks proper articulated reasoning with rational underpinnings without impermissible hindsight. More specifically, the Examiner concludes only that the combination would have been obvious because applying Nakajima's method would have been a "simple application." Final Action 4; *see also* Answer 6. However, the simplicity of the proposed combination and reasoning given does not, provide a sufficient reason as to why one of ordinary skill in the art would have made the combination without impermissible hindsight.

Accordingly, we do not sustain the rejection of independent claims 1 and 11 or, for the same reasons, their dependent claims under 35 U.S.C. § 103(a).

## DECISION

We REVERSE the Examiner's decision rejecting claims 1–20 under 35 U.S.C. § 103(a).

REVERSED